

**PHARMACY BOARD[657]**

**Adopted and Filed Emergency**

**Rule making related to statewide protocols**

The Board of Pharmacy hereby amends Chapter 39, “Expanded Practice Standards,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 147.76 and 155A.46.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 155A.46.

*Purpose and Summary*

Following adoption of rule making relating to a pharmacist’s participation in statewide protocols (**ARC 4270C**, IAB 1/30/19), concern was raised relating to the term “prescribe” used in the applicable rules for the statewide protocols. To address the concern, these amendments replace “prescribe” with “order” consistent with language used in the Iowa Code.

*Reason for Adoption of Rule Making Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3)“a,” the Board finds that notice and public participation are unnecessary or impractical because the Administrative Rules Review Committee, at its February 8, 2019, meeting, after placing a 70-day delay on the effective date of **ARC 4270C**, authorized the Board to file emergency rule making to change the language of **ARC 4270C**.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Board also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on April 5, 2019. These amendments confer a benefit on the public because the original rule making was set to become effective on March 6, 2019, allowing pharmacists and patients to utilize statewide protocols as soon as the Board adopted such protocols and the pharmacist met all minimum requirements. The Board has approved final versions of the protocols, and these protocols are ready for the public’s use as soon as the rules are in effect.

*Adoption of Rule Making*

This rule making was adopted by the Board on March 12, 2019.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 4388C** to allow for public comment on these amendments in addition to other amendments to Chapter 39 that are proposed in **ARC 4388C**.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making became effective on April 5, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend rule 657—39.6(155A) as follows:

**657—39.6(155A) Statewide protocols.** A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and available on the board's website at [pharmacy.iowa.gov](http://pharmacy.iowa.gov), ~~prescribe~~ order and dispense medications pursuant to rules 657—39.8(155A), 657—39.9(155A), and 657—39.11(155A).

ITEM 2. Amend rule 657—39.8(155A) as follows:

**657—39.8(155A) Statewide protocol—naloxone.** An authorized pharmacist may ~~prescribe~~ order and dispense naloxone to patients 18 years and older pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the dispensing of naloxone to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.8(1) to 39.8(6)** No change.

**39.8(7) Records.** An authorized pharmacist shall maintain records of naloxone ~~prescribed~~ ordered and dispensed pursuant to the statewide protocol.

ITEM 3. Amend rule 657—39.9(155A) as follows:

**657—39.9(155A) Statewide protocol—nicotine replacement tobacco cessation products.** An authorized pharmacist may ~~prescribe~~ order and dispense nicotine replacement tobacco cessation products to patients 18 years and older pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the dispensing of a nicotine replacement tobacco cessation product to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.9(1) to 39.9(6)** No change.

**39.9(7) Records.** An authorized pharmacist shall maintain records of nicotine replacement tobacco cessation products ~~prescribed~~ ordered and dispensed pursuant to the statewide protocol.

ITEM 4. Amend rule 657—39.11(155A) as follows:

**657—39.11(155A) Vaccine administration by pharmacists—statewide protocol.** An authorized pharmacist may ~~prescribe~~ order and administer vaccines and immunizations pursuant to a statewide

protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the ~~prescribing~~ ordering and administration of a vaccine to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.11(1)** No change.

**39.11(2)** *Vaccines authorized by statewide protocol.* The vaccines authorized to be ~~prescribed~~ ordered and administered pursuant to the statewide protocol shall include:

*a. to c.* No change.

**39.11(3)** and **39.11(4)** No change.

**39.11(5)** *Verification and reporting.* Prior to the ~~prescribing~~ ordering and administration of an immunization pursuant to the statewide protocol, the authorized pharmacist shall consult and review the statewide immunization registry or health information network. As soon as reasonably possible following administration of a vaccine, the pharmacist shall report such administration to the patient's primary health care provider, primary physician, and a statewide immunization registry or health information network. If the patient does not have a primary health care provider, the pharmacist shall provide the patient with a written record of the vaccine administered to the patient and shall advise the patient to consult a physician.

[Filed Emergency 3/17/19, effective 4/5/19]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/10/19.